

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2501 of 2018

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Jitendra Kumar Rai S/o Late Rajdeo Rai Prop : Mahashakti Rice Mill, R/o Mohalla -
Lakhanmanwa, P.O. - Sonha, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
2. The District Collector, Motihari, East Champaran.
3. The Bihar State Foods and Civil Supplies Corporation Limited through its Managing Director, Patna, Bihar.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Motihari, East Champaran.
5. The Certificate Officer, Motihari, East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra
For the Respondent/s : Mr. S. Raza Ahmad- AAG5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 25-10-2018

1. The learned counsel for the petitioner submits that the respondents had initiated certificate proceedings under the Bihar & Orissa Public Demand Recovery Act vide Certificate Case no. 11 of 2014-15 which was disposed off by the Certificate Officer by an order dated 05.09.2016 and a sum of Rs. 1,00,82,503.68/- has been found payable by the petitioner herein. It is further submitted that the said certificate proceedings arise out of same agreement dated 27.02.2013 entered into between Bihar State Food and Civil Supplies Corporation Ltd. which is the subject matter of arbitral proceedings and it is pending adjudication before the learned sole arbitrator namely Hon'ble Mr. Justice V. Nath, a retired Judge of this Court, hence it is prayed that the certificate issued by the Certificate Officer under



Section 10 of the Bihar and Orissa Public Demand Recovery Act be stayed till the final adjudication of the dispute by the learned arbitrator.

2. Admittedly, arbitration proceeding is pending before Hon’ble Justice V.Nath, a retired Judge of this Court for adjudication and the same arises out of the same agreement which has resulted in initiation of certificate proceedings and passing of final order dated 05.09.2016 by the Certificate Officer. In such view of the matter as also considering the fact that the dispute between the petitioner and the respondents are in the process of adjudication by the learned Arbitrator appointed by this Court and the amount payable/ recoverable by the petitioner is yet to crystalize, it would be appropriate that till adjudication of the dispute by the learned Arbitrator and passing of the Award, the order issued by the Certificate Officer, East Champaran, Motihari dated 05.09.2016 shall remain in abeyance. It is ordered accordingly.

3. The writ petition stands disposed of.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2018
Transmission Date	NA

